

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

JOANN WRIGHT HAYSBERT

Plaintiff,

v.

BLOOMIN' BRANDS, INC.,

and

OUTBACK STEAKHOUSE OF

FLORIDA, LLC,

Defendants.

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Case No.: 4:24-cv-87

**RESPONSE TO ORDER TO SHOW CAUSE**

COMES NOW the Defendant, Bloomin' Brands, Inc., by counsel, and in response to the Court's Order to Show Cause (ECF 14), and states, based on this Court's finding that granting a motion to dismiss would place this case in a different procedural posture, that it withdraws its Motion to Dismiss (ECF 7) and Memorandum of Law in Support (ECF 8). Defendant requests leave of Court to file an Answer and Grounds of Defense.

As Defendant withdraws its Motion to Dismiss, Plaintiff's Opposition (ECF 10) is now moot. Plaintiff's Motion to Amend (ECF 11) is also moot, as it was based on Federal Rule 15(a)(1)(B).

**BLOOMIN' BRANDS, INC.**

By Counsel

/s/ John D. McGavin

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2024 the following was e-filed and served upon counsel of record:

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